

## REMARKS

### I. STATUS OF THE CLAIMS

Claims 3, 5, 6, 11, 12, 25, 27, 28, 33 and 34 are "objected to".

Claims 1, 14, 17, 18, 20, 22, 23, 36, 39, 40, 42, 44 and 47 are amended herein. No new matter has been added. Support for the amendments would be found in, for example, FIGS. 18 and 19 of the present application.

In view of the above, it is respectfully submitted that claims 1-60 are currently pending in this application.

### II. REJECTIONS UNDER 35 U.S.C. § 103(a)

In items 3-6 on pages 2-9 of the current Office Action, claims 1, 2, 7-10, 14-24, 26, 29-32 and 36-60 were rejected as unpatentable over Puschell (U.S. Patent 5,444,528), either singly or in various combinations, with U.S. Patent 5,452,314 to Aronson; U.S. Patent 5,002,349 to Cheung; and U.S. Patent 5,452,314 to Robinson.

Claim 1 as amended specifically recites, amongst other novel features, "an acoustic optical tunable filter (AOTF) ... for **branching wavelength division multiplexed light**". (Emphasis added). Independent claims 14, 17, 18, 20, 22, 23, 36, 39, 40, 42 and 44-47 recite somewhat similar features. Puschell fails to disclose, teach or suggest branching **wavelength division multiplexed** (WDM) light.

Instead, Puschell discloses **a discrete light source 10** that is preferably a device that provides a broadband of visible and/or infrared light such as a halogen lamp. See, for example, column 4, lines 37-40 of Puschell.

Therefore, Applicants respectfully submit that the feature of **branching wavelength division multiplexed light** as specifically recited in Applicants claim 1, is absent in Puschell. Further understanding and appreciation for Applicant's claimed invention as recited in claim 1 would be found in, for example, FIGS. 18 and 19 of the present application.

In view of the above, it is respectfully submitted that the rejection is overcome.

Although the above comments are specifically directed to claim 1, it is respectfully submitted that the comments would be helpful in understanding differences in the various other claims over the cited references.

Further, it is respectfully submitted that nothing was cited or has been found in the secondary references of Aronson, Robinson or Cheung suggesting modification of Puschell to overcome the deficiencies discussed above. Since claims 2-12, 15, 16, 19, 21, 24-34, 37, 38, 41, 43 and 48-60 depend from claims 1, 14, 18, 20, 22, 23, 36, 40, 42 and 44-47, it is respectfully submitted that claims 2-12, 15, 16, 19, 21, 24-34, 37, 38, 41, 43 and 48-60 patentably distinguish over Puschell for the reasons discussed above with respect to claims 1, 14, 18, 20, 22, 23, 36, 40, 42 and 44-47.

### III. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: April 28, 2006

By: 

Uchendu O. Anyaso  
Registration No. 51,411

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501